

Assemblyman
PAUL KORETZ
 Forty-second Assembly District

proudly representing the communities of West Hollywood, Beverly Hills, Los Angeles, Century City, Westwood, Bel Air, Brentwood, West Los Angeles, Hollywood, Hancock Park, Universal City, Studio City, and Sherman Oaks



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Organ Transplants for Patients with HIV

Bill Would Prohibit Insurer Denials Based Solely on HIV Status

(Sacramento) – AB 228, authored by Assemblyman Paul Koretz (D-West Hollywood), has passed the California Assembly Health Committee and now moves on to the Assembly Appropriations Committee. The bill would prohibit insurers from denying coverage for organ transplants based solely on a patient's HIV status.

“Historically, HIV-positive patients have not been considered suitable candidates for organ transplantation due to their perceived short lifespan. Today, anti-retroviral medications have greatly extended the life expectancy of persons living with HIV infection, and studies have shown that organ transplants in qualified patients with HIV lead to outcomes similar to non-HIV infected patients,” said Assemblyman Koretz.

In the hearing Bill Wehrle, representing the California Association of Health Plans (CAHP), stated that the bill simply codifies what is existing practice for California health plans. All the insurers in California represented by CAHP already cover the costs of transplants in patients with HIV, but outside of California some health insurers have denied coverage because the procedures are deemed to be experimental in nature. Denials in Iowa, Pennsylvania, Colorado, Maryland, and New Jersey have been overturned through internal reviews or appeals to government authorities.

“These denials likely are honest mistakes based on outdated views of HIV as an eminently terminal illness and by a lack of awareness about the rapidly advancing science in organ transplants for patients with HIV. Unfortunately, patients in need of a transplant simply don't have the time and energy to appeal an unnecessary denial. AB 228 will put the best practices of the major California health plans in law and hopefully will send a message to the rest of the nation that patients with HIV should not be denied access to organ transplantation,” said Koretz.

Dr. Michelle Roland is a leading HIV and transplantation researcher with the Positive Health Program at San Francisco General Hospital and the University of California San Francisco and was among the witnesses testifying in support of the bill. She noted that a 1999 appropriation by the California Legislature funding clinical costs and research had facilitated the rapid scientific and medical progress in this area.

“In contrast to the progress we see today in both the medical and policy areas, in 1999 it was routine – and understandable given the state of the science - to deny insurance coverage for patients with HIV infection who were seeking a transplant. When the legislature stepped in to facilitate access and research, it enabled us to spearhead programs in California and nationwide. The health insurers have followed this progress and we've not had any problems with coverage at UCSF in years. This bill codifies the current good practice among insurers in California and will ensure that no patient in need of care slips through the cracks in the future. It will also enable California to set the standard for health insurance coverage policy nationwide,” said Dr. Roland.

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